

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LISA JACOBS,

Plaintiff,

v.

CIVIL ACTION
NO. 14-13828-WGY

MATTHEW MANTALOS, ET AL.,
Defendants.

MEMORANDUM AND ORDER

YOUNG, D.J.

December 18, 2015

For the reasons set forth below, the Court denies Plaintiff's Motion (Docket No. 10) for Reconsideration.

BACKGROUND

On October 6, 2014, Plaintiff Lisa Jacobs ("Jacobs"), a resident of Weston, filed a seventy-page complaint with a motion for leave to proceed *in forma pauperis*, See Docket Nos. 1, 2. She filed a second motion for leave to proceed *in forma pauperis* on March 10, 2015.

By Electronic Order dated April 29, 2015, the complaint was dismissed without prejudice to the filing, within 45 days, a motion for leave to file an amended complaint. See Docket No. 6. The Electronic Order stated that "Counts 12-15 purport to state federal claims but none of these counts adequately state such claims. Bell Atlantic v. Twombly. The remaining counts are beyond the subject matter jurisdiction of this Court as there is here no complete diversity."

Plaintiff's original motion for leave to proceed *in forma pauperis*, see Docket No. 8, was granted on June 2, 2015. See Electronic Order, Docket No. 8. The June Electronic Order reminded plaintiff that on April 29, 2015, her complaint was dismissed without prejudice to the filing of a motion for leave to file an amended complaint. Id. Plaintiff's second motion to proceed *in forma pauperis* was denied as moot. See Docket No. 7.

Having received no response to the Court's April or June orders, this case was dismissed

on June 25, 2015. See Docket No. 9.

On August 18, 2015, plaintiff filed a motion for reconsideration. See Docket No. 10.

DISCUSSION

A motion to reconsider is governed by Fed. R. Civ. P. 60. Rule 60(b) of the Federal Rules of Civil Procedure authorizes a court to grant a party relief from a prior final judgment for certain enumerated reasons.¹

Here, Plaintiff's motion fails to specifically indicate under which subsection her motion arises and perhaps she seeks to have the dismissal set aside pursuant to subsection six (any other reason that justifies relief). However, Plaintiff has not shown a manifest error of law or newly discovered evidence. She argues, among other things, that she drafted her original complaint based on "other complaints that were filed and accepted in this court house to be allowed to go onto win." See Motion, p. 1. Also, Plaintiff seems to contend that she had not received notices from the Court in this and her several other cases. However, the Court notes that she was sent both email notification of this Court's orders as well as notification by regular mail. Moreover, the docket for this case does not indicate that the Court's April or June orders were returned to the Court as undeliverable. Because plaintiff has failed to bear her burden under Rule 60(b)(6), her motion is denied.

¹The rule provides for relief on the following grounds: "mistake, inadvertence, surprise or excusable neglect," Fed.R.Civ.P. 60(b)(1); "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)," Fed.R.Civ.P. 60(b)(2); "fraud (whether previously intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party," Fed.R.Civ.P. 60(b)(3); "the judgment is void," Fed.R.Civ.P. 60(b)(4); "the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable," Fed.R.Civ.P. 60(b)(5); or "any other reason that justifies relief," Fed.R.Civ.P. 60(b) (6).

CONCLUSION

Based on the foregoing, it is hereby Ordered that Plaintiff's Motion (Docket No. 10) for Reconsideration is Denied.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE